

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

Notice of Motion No. 4336 of 2006

in

ARBITRATION PETITION (L) NO. 511 OF 2006

Ashok Assandas Bahirwani Petitioner

V/S

M/s. Kotak Mahindra Primus Ltd. . . . Respondent

Mr. S. M. Kamble for petitioner – applicant.

Ms. Neepa Singh i/b. Mahesh Menon & Co., for respondent

CORAM: D. G. KARNIK J.

DATE: February 7, 2007

P.C.:

1. Heard learned counsel for the parties.
2. This motion is taken out for condonation of delay of 28 days in filing an application under section 34 of the Arbitration and Conciliation Act, 1996 (for short Arbitration Act).
3. The impugned order was passed on 19th April 2006 and the copy thereof was received by the petitioner on 10th May 2006. The petitioner could have filed the application under section 34 within a period of 3 months, that is, on or before 10th August 2006. The petition has been filed on 8th September 2006 and there were delay of 28 days in filing of the application.
4. In para 2 of the application the petitioner has stated that he was out of town during the month of May and June 2006 and

his advocate had suffered a leg injury and was advised bed-rest and therefore the petition could not be filed in time. As the delay was partly on account of illness of the advocate I am inclined to condone the delay subject to payment of costs as the application is seriously opposed by the counsel for the respondent.

5. In the circumstances the motion is made absolute, subject to payment of costs of Rs.2000/-, within 4 weeks. If the costs are not paid within 4 weeks the motion shall stand dismissed.

(D. G. KARNIK J)